

ONE JUDGE / ONE FAMILY VS. ONE JUDGE / ONE TEAM

Background & Analysis:

Background:

In 2001, the Florida Supreme Court endorsed the Coordinated Management Model for family court cases which was recommended by the Family Court Steering Committee in In re Report of the Family Court Steering Committee, 794 So. 2d 518, 531 (Fla. 2001). The court reaffirmed that support in In re Amendments to Florida Rules of Judicial Admin., 132 So.3d 1114 (Fla. 2014). In this family court model, all pending family cases are coordinated and managed by a team of staff members to facilitate the delivery of appropriate social services, maximize judicial resources, avoid conflicting court orders, and prevent multiple court appearances by the parties on the same issues. This model for case management allows for all of a family's cases to be heard by either a single judge or by multiple judges who will coordinate their efforts with one another and through a team of case managers.

Analysis:

In general, there is a presumption that assigning a family's various cases to one judge is a more efficient and less complicated method for handling the related cases of one family. In In re Report of the Family Court Steering Committee, 794 So. 2d 518, 521 (Fla. 2001) the Court reiterated, "We emphasize our support for the recommendation that there be a means to assign all family court matters that affect one family, including dissolution of marriage, custody, juvenile dependency and delinquency proceedings, to one judge." (citation omitted). But the Court also recognized that a one size fits all model is unlikely. Id. at 520. The goal continues to be efficient use of resources, better case management, and better service to Florida's families. The Court explained the importance of these issues:

Case management and coordination is a defining characteristic of a model family court. Case managers inform the family of voluntary services, refer the family to mandatory court programs, and coordinate all cases involving the family to maximize judicial resources, avoid inconsistent court orders, prevent multiple court appearances by the parties on the same issues, and monitor compliance with court-ordered services. Case management staff provides continuity within the system by ensuring that all cases involving a single family are assigned to the same judge or by active oversight.... Id. at 529.

Over the last several years, the courts have discovered many benefits to having only one judge work on a family's cases. This is true in both rural and urban circuits. Parties often drop one or more of their pending cases when it becomes clear that the matters can be resolved through a single case. Moreover, handling three cases before one judge saves the judicial time of two other judges. Cases need only be tried once, if at all. Often through comprehensive family mediation with a certified mediator, the parties can agree upon a case plan that addresses the collateral issues, making a trial unnecessary. This also reduces duplicate services, such as psychological evaluations, from being ordered in multiple cases.

What appears to make the one family/one judge model particularly effective is that the parties realize that all of their legal issues will be addressed in the same forum by the same judge. They know that their interaction with the court system will have a beginning, middle, and end, and that they will not have to explain their story multiple times with each new judge. As a result of this certainty, the parties appear more willing to participate in the alternative dispute resolution process and are more willing to share information with the court. This is good for the judge managing a busy court docket and generally leads to better results for the family as well.

Fla. R. Jud. Admin. 2.545 requires the filing of the Notice of Related Cases, Family Law Form 12.900(h), to ensure that all necessary parties, attorneys and judges are aware of related pending cases. In 2014, the Supreme Court issued In re Amendments to Florida Rules of Judicial Admin., 132 So.3d 1114 (Fla.,2014) which created Fla. Fam. L. R. P. 12.003(a)(1) which states that all related family cases must be handled before one judge unless impractical. Fla. Fam. L.R.P. 12.003(2) outlines the procedures to be followed if it is not practical for one judge to handle all of the related family cases. The judges may confer for the purpose of case management and coordination, and either the court or the party that filed the notice of related cases may organize a case management conference under Fla. Fam. L.R.P. 12.200. For court management purposes, the court shall:

- (A) consolidate as many issues as is practical to be heard by one judge;
- (B) coordinate the progress of the remaining issues to facilitate the resolution of the pending actions and to avoid inconsistent rulings;
- (C) determine the attendance or participation of any minor child in the proceedings if the related cases include a juvenile action; and
- (D) determine the access of the parties to court records if a related case is confidential pursuant to Fla. R. Jud. Admin. 2.420." Fla. Fam. L.R.P. 12.300(a)(2).

Fla. Fam. L.R.P. 12.003(b) allows the court to order joint hearings or trials in related family cases. Fla. Fam. L.R.P. 12.006 provides that the court may file copies of court orders in related family cases involving the same parties. This rule ensures that the files in each of the related family cases contain copies of relevant and appropriate orders which will reduce the possibility that judges will enter conflicting orders in the related cases.

However, there may be instances when a circuit would want to employ the one family/one team model. Since criminal cases are not subject to UFC jurisdiction, a family with related criminal proceedings (such as a criminal battery or child abuse case) will be served by more than one judge. This is when the team approach will be used most often because the criminal case can still be coordinated with the UFC case(s). The case management team and the judges should coordinate their proceedings to ensure consistency of orders, efficient scheduling of cases, and to maximize the use of services.

Legal time constraints in delinquency are often cited as a reason why multiple judges may be needed to handle UFC matters. Though early knowledge of the case and coordination are necessary, the schedule of a delinquency case is not a bar to one judge handling a delinquency along with other family cases. If an evidentiary hearing is needed on the delinquency, it can be scheduled in the ordinary course, however, the attorneys in the associated cases would receive a courtesy copy of the notice as their attendance at the delinquency would be optional. Dispositions and pre-trials would be set on a UFC docket where all the parties, attorneys, and participants are present.

Lastly, cross jurisdictional cases may require more than one judge to handle a family's multiple cases if there are exceptional circumstances making transfer of these cases to one circuit impractical. In those situations, the case management teams and the individual judges can coordinate their efforts to ensure consistency between the cases and avoid duplication of effort. However, it is still a good idea to transfer these cases to the county that has the most experience with the family whenever possible. While one or two witnesses may be inconvenienced, it makes much more sense to let the court with the greatest knowledge of the family take these cases.